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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CYRUS BARNES,

Plaintiff,

-against-

WILLIAM I. PARKEN,

Defendant.

1:21-cv-09749-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

There is an initial pre-trial conference scheduled in this matter for February 15, 2022. [ECF No. 9]. The Court directed the parties to submit, one week before the conference, a Proposed Case Management Plan and Scheduling Order and *joint* letter, as required by this Court's Individual Rules of Practice. [ECF No. 9].

On January 27, 2022, Defendant unilaterally filed a status letter. [ECF No. 11]. The next day, Plaintiff filed a Proposed Case Management Plan. [ECF No. 12]. However, Plaintiff also filed a letter that same day averring that counsel had not yet conferred on the joint status letter or on the proposed case management plan. [ECF No. 14]. Based on Plaintiff's letter, it is also unclear whether counsel complied with the Court's scheduling order, directing counsel to meet for at least one hour to discuss the possibility of settlement. [ECF No. 8].

The Court's Order scheduling the initial pre-trial conference clearly directed the parties to file a Proposed Case Management Plan and Scheduling Order and *joint* letter. [ECF Nos. 8, 9].

That joint letter should include:

1. A brief statement of the nature of the case, the principal claims and defenses, and the major legal and factual issues that are most important to resolving the case;
2. A brief statement by the plaintiff, or by the defendant in removed cases, as to the basis of subject matter jurisdiction and venue, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction and venue. Statements shall include

citations to relevant statutes. In cases invoking the Court's diversity jurisdiction, the parties should state both the place of incorporation and the principal place of business of any party that is a corporation, and the citizenship of all members, shareholders, partners, and/or trustees of any party that is a partnership, limited partnership, limited liability company, or trust;

3. A statement of procedural posture, including
 - a. A brief description of any (i) motions that have been made and decided, (ii) motions that any party seeks or intends to file, including the principal legal and other grounds in support of and opposition to the motion, (iii) pending motions and (iv) other applications that are expected to be made at the conference;
 - b. A brief description of any discovery that has already taken place, and a brief description of any discovery that the parties intend to take in the future; and
 - c. A statement describing the status of any settlement discussions and whether the parties would like a settlement conference; and
4. Any other information the parties believe may assist the Court in resolving the action.

Moreover, the parties are to confer on the Proposed Case Management Plan before filing one with the Court.

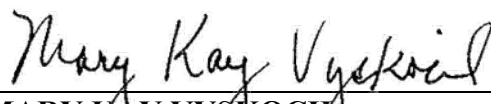
As such, IT IS HEREBY ORDERED that the initial pre-trial conference scheduled for February 15, 2022 at 11:00 AM is ADJOURNED to February 22, 2022 at 10:00 AM.

IT IS FURTHER ORDERED that, on or before February 15, 2022, the parties shall (1) meet for at least one hour to discuss the possibility of settlement; and (2) submit a *joint* Proposed Case Management Plan and Scheduling Order and *joint* letter, as required by this Court's Individual Rules of Practice and as specified in the Court's scheduling order at ECF No. 8.

FAILURE TO COMPLY WITH THIS ORDER WILL RESULT IN SANCTIONS.

SO ORDERED.

**Date: February 9, 2022
New York, NY**


MARY KAY VYSKOCIL
United States District Judge